

REMARKS

We are in receipt of the Office Action dated October 16, 2008, and the above amendments and following remarks are made in light thereof.

Claims 43-70 are pending in the application in the application. Pursuant to the Office Action, claims 43, 44, 47-51, 53, 54, 55, 56 and 59-68 are rejected as being anticipated by Boyd et al. US 2002/0087183. Claims 45-47, 57, 58 and 69-70 are rejected as being obvious over Boyd et al. in view of Wagner et al. US 2004/0204734. Claim 52 is rejected as being unpatentable over Boyd et al. and Wagner et al., and further in view of Chin US 2004/0102804.

In addition, an objection was made to the Specification due to certain informalities on pages 3, 5 and 6 of the application as filed. By way of the foregoing Amendment, the informalities have been corrected.

Among the pending claims are two independent claims, namely, claims 43 and 55. Both of these claims have been rejected solely for being anticipated by Boyd et al. Specifically, Figs. 22-51 and paragraphs [0091]-[0098] of Boyd et al. have been identified as disclosing the claimed subject matter.


Claim 43 is directed to a method for separating tissue and requires the use of a dissector including "a position indicator near the dissection surface," and "monitoring the position indicator through the tissue." Claim 55 is directed to a method of separating tissue with a dissector in which the dissector is similarly required to have "a position indicator" associated with the dissecting surface and including the step of "monitoring the position indicator through the selected tissue."

Boyd et al. discloses methods and instruments for performing port-access or closed-chest coronary artery bypass surgery. None of the devices or methods shown or described in the portions of Boyd et al. asserted to disclose the claimed subject matter include using a dissector having a position indicator near the dissection surface, nor would one be able to monitor such a position indicator through the tissue in the disclosed methods. Accordingly, Applicant submits that neither claim 43 nor claim 55 can be considered to be anticipated by Boyd et al.

Each of claims 44-54 and 56-70 is dependent either directly or indirectly from one of claims 43 and 55. Accordingly, these claims are believed to be patentable for at least the same reasons that claims 43 and 55 are patentable.

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of the application.

Respectfully submitted,



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